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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,466	12/12/2001	Bruno Richard	50002133-2	7262

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HEWLETT-PACKARD COMPANY  
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EXAMINER
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THAI, HANH B

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/012,466

Applicant(s)

RICHARD ET AL.

Examiner

Hanh B Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

This is in response to application filed December 12, 2001 in which claims 1-39 are presented for examination.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 8-10, 12-17, 23 and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Whiting et al. (U. S. Patent no. 5,778,395).

Regarding claims 1, 12-13, 16-17, 23 and 31, Whiting discloses a process for indexing files residing on a computer, comprising the steps of:

- executing one or more periodic backup operations on the files, said backup operation including the step of scanning the files (see col. 3, line 33-48 and col. 14, line 45-49, Whiting);
- using said scanning operation to derive a set of itemized indexes for subsequent use in obtaining direct access to said files (see col.4, line 25-30, col. 5, line 45-46 and col. 14, line 45-49, Whiting).

Regarding claim 2, Whiting further discloses the restoring of many files from the backup (see 4. line 46-50 and col. 5, line 41-46, Whiting) and the files including system files, program files and other files. Therefore, these files must contain both text processing files and compound files.

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Regarding claims 3 and 32, Whiting further discloses a centralized environment where a server (100, Fig. 1, Whiting) is associated with a database (101, Fig. 1, Whiting), said database adapted to store backup files and wherein said server substantially simultaneously carries out the backup and the indexing of the files (see col. 6, line 21-32; col. 10, line 39-65 and col. 14, line 26-42, Whiting).

Regarding claim 8, Whiting further discloses that the transfer of the files which are to be backed up uses the Hyper Text Transfer (H.T.T.P.), RCP, FTP or the like protocols (see col. 13, line 31-38, Whiting).

Regarding claims 9-10, Whiting further discloses the files correspond to system and/or user files and the indexing is performed in relation to the user files (see Fig. 3 and corresponding text, Whiting).

Regarding claim 14, Whiting discloses a knowledge-base system comprising:

- means for regularly backing up files stored on computers connected to or constituting a network (see col. 3, line 33-48 and col. 7, line 8-31, Whiting);
- means for substantially simultaneously indexing the files during the backup procedure for the purpose of creating and updating a database of backup files and documents as well as a centralized index of backed up documents (see col. 14, line 26-65; Fig. 3 and corresponding text, Whiting).

Regarding claim 15, Whiting discloses a backup process for a stand-alone computer comprising:

- opening each file which is to be backed up;

- while opening said file, compiling a set of indexes characterizing said files and which will be incorporated into a table of indexes (see col. 14, line 38-43, Whiting);
- closing said file upon completion of said backup and said indexing operation (see col. 14, line 26-65; Fig. 3 and corresponding text, Whiting).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-7, 11, 18-22, 24-30 and 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting et al. (U. S. Patent no. 5,778,395) in view of Langford (U. S. Patent no. 6,574,733).

Regarding claims 4 and 33, Whiting discloses all of the claimed limitations as discussed above, except the step of generating a centralized table of indexes loaded on said server.

Langford, however, discloses a centralized secure backup system including the step of generating the centralized secure data backup loaded on the server (see col. 3, line 9-26 and col. 6, line 48-51, Langford).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Whiting to generate the centralized secure data as taught by Langford because it provides a secure backup system that allow only the owner of the data to be able to

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decrypt any information stored during the process so that the third party repositories and other unauthorized personnel cannot readily decrypt the information (see col. 2, line 11-18, Langford).

Regarding claims 5 and 34, Whiting/Langford combination further discloses that the access rights are defined for each file including at least one indexing right that is used for controlling the indexing process of the files within the centralized table of indexes (see col. 28-55, Langford).

Regarding claims 6 and 35, Whiting/Langford combination further discloses a first indexing attribute which authorizes the indexing of a given file within the centralized index (see col. 6, line 40-54, Langford); and a second indexing attribute defining selective access to that file (see col. 5, line 29-45, Langford).

Regarding claim 7, Whiting/Langford combination further discloses the backup of files residing on a first machine, said server transmits to the first machine a local table of indexes representative of the different documents stored that first machine (see col. 14, line 49-54, Whiting).

Regarding claim 11, Whiting/Langford combination further discloses

- initiating a search request for a given file, said request containing a set of key words or indexes (see col. 5, line 3-34 and col.13, line 11-36, Whiting);
- processing said search request by reference to a first local table of indexes stored on one of said plurality of computers in order to locate a first set of relevant files extracted from said one computer (col.17, line 5 to col. 18, line 35, Whiting);
- processing, upon request from the user, an additional search within said centralized index loaded into said server for the purpose of obtaining any

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additional results corresponding to files stored on the backup database (see col. 8, line 8-20, Whiting).

- displaying the result of said additional search and, for each or any file having a selective access attribute, automatically generating an electronic mail to be sent to a corresponding originator of said file for the purpose of requesting access to said file (see col. 35, line 44-63, Whiting).

Regarding claims 18, 21, 23, 29 and 37, Whiting discloses a process for indexing files residing on a plurality of computers attached to, or constituting a network for the purpose of generating a centralized table of indexes for use in obtaining direct access to said files, the table being stored on a server associated with a database adapted to store backup files, comprising the steps of:

- executing repeated backup operations on the files, said backup operations including the step of scanning the files (see col. 3, line 33-48 and col. 14, line 45-49, Whiting);
- using the scanning operation to derive a set of itemized indexes, wherein the server substantially simultaneously carries out the backup and the indexing of the files (see col. 4, line 25-30, col. 5, line 45-46 and col. 14, line 45-49, Whiting).

Whiting, however, does not explicitly disclose the step of generating a centralized table of indexes being stored on the server. Langford, on the other hand, discloses a centralized secure backup system including the step of generating the centralized secure data backup loaded on the server (see col. 3, line 9-26 and col. 6, line 48-51, Langford).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Whiting to generate the centralized secure data as taught by Langford because it provides a secure backup system that allow only the owner of the data to be able to decrypt any information stored during the process so that the third party repositories and other unauthorized personnel cannot readily decrypt the information (see col. 2, line 11-18, Langford).

Regarding claim 19, Whiting/Langford combination further discloses that the access rights are defined for each file including at least one indexing right that is used for controlling the indexing process of the files within the centralized table of indexes (see col. 28-55, Langford).

Regarding claims 20 and 22, Whiting/Langford combination further discloses a first indexing attribute which authorizes the indexing of a given file within the centralized index (see col. 6, line 40-54, Langford); and a second indexing attribute defining selective access to that file (see col. 5, line 29-45, Langford).

Regarding claims 24 and 32, Whiting/Langford combination further discloses a centralized environment where a server (100, Fig. 1, Whiting) is associated with a database (101, Fig. 1, Whiting), said database adapted to store backup files and wherein said server substantially simultaneously carries out the backup and the indexing of the files (see col. 6, line 21-32; col. 10, line 39-65 and col. 14, line 26-42, Whiting).

Regarding claims 25 and 33, Whiting/Langford combination further discloses the step of generating a centralized table of indexes stored on said server (see col. 3, line 9-26 and col. 6, line 48-51, Langford).



Regarding claim 26, Whiting/Langford combination further discloses the control of access rights that are defined for each file including at least one indexing right (see col. 28-55, Langford).

Regarding claims 27, 30 and 38, Whiting/Langford combination further discloses the at least one indexing right includes: a first indexing attribute which authorizes the indexing of a given file within the centralized index (see col. 6, line 40-54, Langford); and a second indexing attribute defining selective access to that file (see col. 5, line 29-45, Langford).

Regarding claims 28 and 36, Whiting/Langford combination further discloses that the program code elements are arranged to transmit to a computer a local table of indexes representative of the different files stored on that computer after completion of the backup of files residing on that computer (see col. 14, line 49-54, Whiting).

Regarding claim 39, Whiting discloses a program product for backing up files within a network of computers, comprising: (a) computer program code stored on a computer readable medium adapted, when executed on a computer, (i) to execute one or more repeated backup operations on files stored on a computer, said backup operation including the step of scanning the files (see col. 3, line 33-48 and col. 14, line 45-49, Whiting); and (ii) to derive using said scanning operation a set of itemized indexes for subsequent use in obtaining direct access to said files (see col. 4, line 25-30, col. 5, line 45-46 and col. 14, line 45-49, Whiting), (b) computer program code stored on a computer readable medium adapted, when executed on a computer, to search for a file stored on a plurality of computers connected to, or constituting, a network within such a set of itemized indexes (see col. 5, line 3-34 and col. 13, line 11-36, Whiting), by (i) initiating a search request for a given file, said request containing a set of key words or indexes,

(ii) processing said search request by reference to a first local table of indexes stored on one of said plurality of computers in order to locate a first set of relevant files extracted from said one computer (col. 17, line 5 to col. 18, line 35, Whiting); (iii) processing an additional search for the purpose of obtaining any additional results corresponding to files stored on the backup database (see col. 8, line 8-20, Whiting), (iv) displaying the result of said additional search (see col. 35, line 44-63, Whiting).

Whiting, however, does not explicitly disclose the step of generating a centralized table of indexes being stored on the server. Langford, on the other hand, discloses a centralized secure backup system including the step of generating the centralized secure data backup loaded on the server (see col. 3, line 9-26 and col. 6, line 48-51, Langford).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Whiting to generate the centralized secure data as taught by Langford because it provides a secure backup system that allow only the owner of the data to be able to decrypt any information stored during the process so that the third party repositories and other unauthorized personnel cannot readily decrypt the information (see col. 2, line 11-18, Langford).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Webb (U. S. Patent no. 6,675,177) discloses a method and system for backing up digital data.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hanh Thai *HT*  
Art Unit 2171  
January 13, 2004

*Uyen Le*  
UYEN LE  
AU 2171